

United States District Court
Eastern District of Michigan

United States of America

v.

Angel Bustillo-Gonzales /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 06-20655

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

“ (1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- “ under 18 U.S.C. § 924(c).

“ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

“ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

T I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Unlawful re-entry to U.S. after deportation.
- T** (b) weight of the evidence - Overwhelming evidence.
- T** (c) history and characteristics of the defendant - Prior felony conviction and exclusion from the U.S. - record reflects five alias names.
 - T** 1) physical and mental condition - Good health.
 - T** 2) employment, financial, family ties - Minimal ties to the U.S.- substantial ties to Honduras.
 - T** 3) criminal history and record of appearance - Assault with weapon with intent to injure.
- “ (d) probation, parole or bond at time of the alleged offense - Probation terminated in July of 2006.
- T** (e) danger to another person or community - This defendant is subject to an INS detainer. Defendant is a Honduras national. He was excluded from the U.S. following conviction for a violent felony offense, and is present in the U.S. with no lawful authority. He has established minimal contacts with the U.S., but has substantial contacts in Honduras. He has used five alias names. He faces substantial prison time upon conviction (37-46 months guideline.) Pretrial Services recommends detention, and I fully agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: December 20, 2006

s/Donald A. Scheer*Signature of Judge*Donald A. Scheer, United States Magistrate Judge*Name and Title of Judge*